

*Date:* May 28, 2014

*To:* Authorized Representatives and Food Service Directors of School Food Authorities  
Participating in the USDA Child Nutrition Programs

*From:* Jessica Sharkus, RDN, CD  
Director, School Nutrition Team

*Subject:* Nutrition Standards for All Foods Sold in School: Smart Snacks

The USDA's interim final rule, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Food Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010*, amends existing regulations to establish nutrition standards for all foods sold in schools, other than food sold as part of the National School Lunch and School Breakfast Programs. This interim final rule also establishes the requirement that potable water, already required during lunch, must now be made available to children at no charge in the cafeteria during breakfast meal service. The goal is to improve the health and well-being of our children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits. A chart documenting the standards is enclosed. The Smart Snacks brochure with a summary of the interim rule was included in the spring School Nutrition Team newsletter received earlier this month.

The updated nutrition standards for all foods sold in school and special exemptions for infrequent school-sponsored fundraisers outlined in this interim final rule must be implemented beginning on July 1, 2014. Per USDA Policy Memorandum, SP 29-2014: *Consolidated Appropriations Act Report Language on Waivers for School Breakfast and Smart Snacks*, State agencies are prohibited from providing waivers to school food authorities (SFAs) to allow them to delay the implementation of the Smarter Snack rule.

Beginning in the 2014-15 school year, USDA regulations will require that all foods and beverages, other than foods sold under the lunch and breakfast programs, that are sold on the school campus (including a la carte, in school stores, snack bars or vending machines as well as food produced during culinary classes that is sold to students), during the school day must comply with the Federal nutrition standards. The *school campus* includes all areas of the property under the jurisdiction of the school that are accessible to students during the school day. This does not include teacher's lounges or other areas that are restricted to students. It is important to note that foods sold on the school campus that cannot be consumed onsite are exempt from this rule (e.g. frozen pizza fundraisers). The *school day* is defined as the time period from midnight before through 30 minutes after the end of the official day.

As SFAs typically sell entrees, snacks, and beverages for consumption during the school day, understanding the regulations is very important. While the restrictions seem complicated at first, systems can be set up school-wide to help all involved decide what can be sold. The Alliance for a Healthier Generation has developed a calculator to help take the guess work out of determining

whether a food item or beverage is compliant with the new standards. It also makes record keeping easy by allowing you to print out a report of the qualifications for documentation as SFAs are required to maintain records documenting compliance with the Smart Snacks requirements which will be reviewed during Administrative Reviews. This tool can be found at [https://schools.healthiergeneration.org/focus\\_areas/snacks\\_and\\_beverages/smart\\_snacks/alliance\\_product\\_calculator/](https://schools.healthiergeneration.org/focus_areas/snacks_and_beverages/smart_snacks/alliance_product_calculator/).

### Fundraisers

The USDAs interim final rule requires the State agency, the Department of Public Instruction (DPI), to establish limitations on the number of fundraisers held during school hours that may be exempt from the nutrition standards each school year. The intent is to allow for special exemptions for the purpose of conducting infrequent school sponsored fundraisers. A survey was sent to stakeholders throughout the state in an attempt to gather feedback to determine how many exempt fundraisers, if any, that DPI should allow. We received over 800 responses from school administrators, school board members, school business officials, school food service professionals, teachers, students, parents, and community members. We are grateful for the breadth of responses and have read all comments. As we considered all of the responses, we wanted to make sure that we found a solution that provides for maximum flexibility at the SFA or local level. Our goal is to maintain a healthy food environment for all students while minimizing the financial impact on SFAs and student groups. Note: The sale of food items that meet the proposed nutrition requirements as well as non-food fundraisers are not affected.

#### Wisconsin's Fundraiser Exemption Policy

DPI will allow two fundraiser exemptions per student organization per school year.

While the Smart Snacks standards represent the minimum standards and the exemption policy represents the maximum exemptions allowed, SFAs have the discretion to establish additional restrictions on competitive foods and further limit fundraiser exemptions through their Local School Wellness Policy as long as they are not inconsistent with Federal requirements.

There are several successful fundraisers that are unrelated to food or are embracing the idea of providing access to only healthy food. Gift card sales, trash bag sales, garage sales, hosting a community race/walk, school dance, teacher student competitions, and recycling drives have all proved to be profitable for schools in the past. Many more ideas and resources can be found on the Alliance for a Healthier Generation website [https://schools.healthiergeneration.org/focus\\_areas/snacks\\_and\\_beverages/fundraisers/](https://schools.healthiergeneration.org/focus_areas/snacks_and_beverages/fundraisers/).

Schools play an important role in providing access to healthy food and to limit conflicting messages regarding healthy habits. This transition will definitely take time. However, as it is our responsibility to provide education about academic topics in schools, it is our responsibility to motivate and support the priceless skill of healthy eating.

A recent USDA Policy Memorandum, SP 36-2014: *Smart Snacks Nutrition Standards and Exempt Fundraisers*, states that DPI has the discretion and flexibility to establish a procedure by

which a Local Education Agency may request approval for an exemption from the base fundraiser limit that has been established. More information will be coming out about this process in our annual Back to School memo, which is sent out in August.

The School Nutrition Team will be conducting training on the regulations at our School Nutrition Skills Development Courses (SNSDC) around the state this summer. More information on our SNSDC training locations can be found at [http://fns.dpi.wi.gov/fns\\_snt\\_training](http://fns.dpi.wi.gov/fns_snt_training). In addition, helpful resources, recorded trainings, and USDA guidance on Smart Snacks are posted on our website at [http://fns.dpi.wi.gov/fns\\_cnrsnp#cf](http://fns.dpi.wi.gov/fns_cnrsnp#cf). Make sure to check these webpages frequently for updates.